

**ORDINANCE NO. 2003-05**

**AN ORDINANCE OF THE TOWNSHIP OF CHESTNUTHILL, MONROE COUNTY,  
PENNSYLVANIA ESTABLISHING MINIMUM STANDARDS FOR THE PROTECTION  
OF LIFE, LIMB, HEALTH, PROPERTY, ENVIRONMENT  
AND FOR THE SAFETY AND WELFARE OF THE CONSUMER, GENERAL PUBLIC  
AND THE OWNERS AND OCCUPANTS OF ALL BUILDINGS AND STRUCTURES  
REGULATED BY THIS CODE.**

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**1. Adoption of Code**

Chestnuthill Township hereby adopts the 2000 edition of the International Residential Code known as the IRC, the International Building Code known as the IBC and the International Fuel Gas Code, of which not less than three copies are on file in the township office and the same is adopted and incorporated herein as if it were set forth herein at length. From the date upon which this ordinance shall take effect, the provisions thereof shall be controlling in the fabrication, erection, construction, reconstruction, enlargement, alteration, addition to, repair, location and use of all buildings, structures, their appurtenances within the corporate limits of

Chestnuthill Township. In the event that any revision of the International Residential Code is hereafter issued by the body or bodies that issued the IRC Code, and International Building Code, IBC, such revision or revisions shall be deemed to be automatically adopted by Chestnuthill Township pursuant to this Ordinance.

## **2. Repealer**

All other building ordinances of Chestnuthill Township, to the extent that they are inconsistent with the terms of this Ordinance, are hereby repealed.

## **3. Purpose**

The purpose of this code is to provide minimum standards for the protection of life, limb, health, property, environment and for the safety and welfare of the consumer, general public, and the owners and occupants of all buildings and structures regulated by this code.

## **4. Scope/Application**

The provisions of the IRC Code apply to the construction, addition, prefabrication, alteration, repair, use, occupancy and maintenance of detached one- and two-family dwellings and one-family townhouses of not more than three stories in height and their accessory structures. The IBC code will apply to all other buildings and structures. Compliance with the requirements of these codes may be considered as prima facie evidence of compliance with the locally adopted code. Inspection of construction governed by those Sections, when warranted by the scope of the work to be performed shall be performed by licensed architects, engineers or certified inspectors, approved by the Township, but whose fees will be paid by the Applicant. Applicants may, at their option, seek independent inspection by others relative to these standards at their expense, provided the respective Code requirements on alternative inspections are met.

## **5. Authority**

### **A. General**

(1) The office of building official is hereby created and the executive official in charge shall be known as the building official.

(2) The building official shall be appointed by the Supervisors of the Township and shall serve at the pleasure of the Supervisors.

(3) During temporary absence or disability of the building official, the appointing authority shall designate an acting building official. The building official is hereby authorized and directed to administer and enforce all of the provisions of this code.

(4) The Township reserves the right to appoint a qualified licensed inspection agency or firm to perform the duties of the building official and to administer and enforce this Ordinance by any means authorized by the Pennsylvania Construction Code Act, 35 P.S. § 7210, et. seq., as amended.

### **B. Referenced Standards**

The standards referenced in this code and listed in Chapter 43 of the IRC Code are

incorporated by reference and shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply.

C. Qualifications of Building Official

Qualifications for the building official shall be established by the Township Supervisors by Resolution.

D. Duties of Building Official

- (1) The building official shall receive applications required by this code, issue permits and furnish the prescribed certificates. The building official shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He/she shall enforce all provisions of the building code. The building official shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the building code and render written reports on same. To enforce compliance with the law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures. The building official shall issue such notices or orders as may be necessary.
- (2) Inspections required under the provision of the building code shall be made by the building official or his/her duly appointed assistant. The building official may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the building code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.
- (3) The building official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. He/she shall retain on file copies of required plans and all documents relating to building work so long as any part of the building or structure to which they relate may be in existence.
- (4) All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the building official without the building official's written consent.
- (5) The building official shall make written reports to his/her immediate superior once each month, or more often if requested, including statements of permits and certificates issued, and orders promulgated.

E. Cooperation of Other Officials.

The building official may request and shall receive, so far as may be necessary, in the discharge of his/her duties, the assistance and cooperation of other officials of the municipality.

6. Authority to enter

Upon presentation of proper credentials, the building official or his/her duly authorized representatives may enter at reasonable times any building, structure or premises in the jurisdiction to perform any duty imposed upon him/her by this code. If a landowner, resident or any other person denies or obstructs the building official in the performance of his/her duties, then in addition to other penalties and remedies set forth in this Ordinance, the person, firm or corporation so responsible must reimburse the Township all costs, reasonable attorney fees and other out-of-pocket expenses incurred by the Township in obtaining a Civil Discovery Order pursuant to the Pennsylvania Rules of Civil Procedure.

## **7. Violations and Penalties**

### **A. Unlawful action.**

It shall be unlawful for any person, firm or corporation whether as owner, lessee, sub-lessee or occupant to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building and their accessory structures in the jurisdiction or cause or permit the same to be done, contrary to or in violation of the provisions of this code.

### **B. Violations.**

It is hereby declared that any violation of this code constitutes a public nuisance, and in addition to any other remedies provided by this code for its enforcement, the township may bring civil suit to enjoin the violation of any of the provisions of this code.

### **C. Partial invalidity.**

If for any reason any one or more sections, sentences, clauses or parts of this code are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions.

### **D. Penalty.**

Any person, firm or corporation violating any of the provisions of this code shall upon conviction be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars. In default of payment of the fine, such persons, members of firms shall be liable to imprisonment for not more than sixty (60) days.

## **8. Right of Appeal**

### **A. General.**

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be a Building Hearing Board of Appeals (hereafter "Hearing Board") consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The jurisdiction of the Hearing Board will be to hear appeals where it is alleged that the building official failed to correctly interpret the code, or rules legally adopted thereunder; or that the provisions of this code do not fully apply; or that an equivalent form of construction is to be used. The Hearing Board

shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render its decisions and findings in writing to the appellant with a duplicate copy to the building official.

B. Limitations of Authority.

The Hearing Board shall have no authority relative to interpretations of the administrative Chapters or provisions of this code, nor shall the board be empowered to waive requirements of this code.

C. Appointment.

There is hereby established a board to be called the Building Hearing Board of Appeals, consisting of three (3) members and one (1) alternate member, preferably residents of the Township who shall be appointed by the Board of Supervisors. One (1) member shall be appointed for a term of one year, one (1) member for a term of two years, and one (1) member for a term of three years. The alternate member shall be appointed annually.

Upon expiration of the term of office of a member of the board, his/her successor shall be appointed for a term of three years. Vacancies shall be filled for an unexpired term in the manner in which the original appointments are required to be made.

D. Removal

Any board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of The Board of Supervisors taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

E. Organization of Hearing Board.

The Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of action, a quorum shall be not less than a majority of all the members of the board, but where any members are disqualified to act in a particular matter, the Hearing Board Secretary will designate the alternate to sit in the place of the member disqualified. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the township and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the governing body once a year.

F. Method of appeal and application to Board.

Appeals under this section must be made in writing, accompanied by a check or money order in the amount to be fixed by resolution, to cover all expenses incurred. In the event the Appellant prevails, the fee deposited shall be refunded to the Appellant.

G. Time limitations.

All appeals from decision of the building official must be filed with the board no later than thirty (30) days from the date of the decision appealed. A hearing shall be held within sixty (60) days from the date of the applicant's request.

#### H. Hearing.

The board shall conduct hearings and render decisions in accordance with the following requirements:

- (1) Notice shall be given to the public by notice published once each week for two successive weeks in a newspaper of general circulation in the township. Such notice shall state the time and place of the hearing and the nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and not less than seven (7) days from the date of the hearing.
- (2) Notice shall be given to the appellant or applicant and the building official in writing. Said notice shall contain the same information provided in section (a) above. Notice to the applicant or appellant shall be by certified mail and to the building official by regular mail. Both of said notices shall be postmarked at least fourteen (14) days before the date of said hearing.
- (3) The parties to the hearing shall be the township, any person affected by the application who has made timely appearance of record before the board, and any other person including civic or community organizations permitted to appear by the board. The board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the board for that purpose.
- (4) The chairman or acting chairman of the board presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and documents.
- (5) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (6) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- (7) The board shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
- (8) The Board shall not communicate, directly or indirectly, with any party or his/her representatives in connection with any issued involved except upon notice and opportunity for all parties to participate, shall not take notice of any communications, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his/her representative unless all parties are given an opportunity to be present.
- (9) The board shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after that last hearing

before the board. Each decision shall be accompanied by findings of fact and conclusions based on any ordinance, rule or regulation, shall contain a reference to the provision relied on and the reason why the conclusion is deemed appropriate in light of the facts found.

(10) A copy of the final decision or where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him/her not later than the day following its date. To all other persons who have filed their name and address with the board not later than the last day of the hearing, the board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

I. Appeals From Decisions of the Building Hearing Board.

Any person or entity aggrieved by a decision of the Chestnuthill Township Building Hearing Board, may, within thirty (30) days of the issuance of such decision, file an appeal with the Court of Common Pleas, setting forth the specific basis of such appeal.

**9. Alternate Materials and Systems**

A. Alternate materials, methods and equipment.

The provisions of this code are not intended to limit the appropriate use of materials, appliances, equipment or methods of design or construction not specifically prescribed by this code, provided the building official determines that the proposed alternate materials, appliances, equipment or methods of design or construction are at least equivalent of that prescribed in this code in suitability, quality, strength, effectiveness, fire resistance, durability, dimensional stability, safety and sanitation.

B. Evidence submitted.

The building official may require that evidence or proof be submitted to substantiate any claims that may be made regarding the proposed alternate. In the event that the building official cannot determine to a degree of reasonable certainty that the alternative materials proposed for a particular use are comparable as set forth in this section, the Inspector may consult with the Township appointed professional or other consultants authorized by the Township to review the proposed alternative.

### C. Tests.

Determination of equivalence shall be based on design or test methods or other such standards approved by the building official. The building official may accept as supporting data to assist in this determination duly authenticated reports from the Building Officials and Code Administrators International, Inc., Southern Building Code Congress International, Inc., International Conference of Building Officials, the National Evaluation Service Committee of the Council of American Building Officials, acceptance documents from the U.S. Department of Housing and Urban Development or from other approved authoritative sources for all materials or assemblies proposed for use which are not specifically provided for by this code. The costs of all tests, reports and investigations required under these provisions shall be paid by the applicant.

## 10. Modifications

Practical difficulties. When there are practical difficulties involved in carrying out the provisions of this code the building official may grant modifications for individual cases. The building official shall first find that a special individual reason makes the strict letter of this code impractical and that the modification is in conformity with the intent and purpose of this code and that such modification does not lessen health, life safety and fire safety requirements. The details of actions granting modifications shall be recorded and entered in the file of the code enforcement agency.

## 11. Liability

Relief from personal responsibility. The building official or the building official's authorized representative shall not render him/herself personally liable nor shall his/her actions render the Township, its elected officials, appointed officials, employees or agents liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of the building official's duties except as may be provided by applicable state law. Any suit brought against the building official or employees because of such an act or omission performed in the enforcement of this code shall be defended by the Township. This code shall not relieve or lessen the responsibility of an owner, operator or controller of a building for any damages to the person or property caused by defects, nor shall the building department or its jurisdiction be held to assume any such liability by reason of inspection or permits authorized by this code.

## 12. Permit

It shall be unlawful to construct, add to, alter, remove or demolish, or to commence the construction, addition, alteration, removal or demolition of a building or structure, other than ordinary repairs as defined herein, without first filing with the building official an application in writing and obtaining a formal permit.

### A. Permit required.

A permit shall be obtained before beginning construction, alteration or repairs, other than ordinary repairs, using application forms furnished by the building official. Ordinary repairs are nonstructural repairs and do not include addition to, alteration of, or replacement or



relocation of water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring, or mechanical or other work for which a permit is required by the building official.

B. Permit fees.

All fees payable under this Ordinance are set by the Board of Supervisors and may be revised from time to time by resolution.

C. Expiration.

Every permit issued by the building official under the provision of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within six (6) months from the issue date of the permit, or if the building or work authorized by such permit is suspended or abandoned for a period of six (6) months or more after the work has commenced. Before such work can be commenced or resumed, a permit extension or renewal as required by § 12.C.2. shall be obtained.

(1) Permit Extension. A permittee holding an unexpired permit may apply for a one-time six (6) month extension, provided the permittee can show good and satisfactory reason(s) beyond the permittee's control that the work cannot be commenced within the six (6) month period from the original date of issue of the permit. No additional fee is required for this one-time extension.

(2) Permit renewal. A permit which has expired for six months or less may be renewed provided no changes have been made in the original plans and specifications for such work. The renewal fee shall be one half the amounts required for a new permit. Permits which have been expired for greater than six months require a new application and payment of the full permit fee.

D. Permit validity.

The issuance of a permit shall not authorize the violation of any of the provisions of this code.

**13. Plans**

A. Plans required.

All applications shall be accompanied by two (2) sets of plans drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and shall show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. One copy shall be retained by the Township and one approved copy shall be returned to the applicant. The building official is authorized to waive the submission of professionally prepared documents if it is found that the nature of the work applied for is such that a reviewing of construction documents is not necessary to obtain compliance with this code.

B. Plans of job required.

A copy of approved plans shall be kept on the site of the building or work at the time of all inspections until a Certificate of Occupancy has been issued.

**14. Inspection**

A. Types of inspections.

For on-site construction, from time to time the building official, upon notification from the permit holder or his/her agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his/her agent wherein the same fails to comply with this code.

(1) Foundation inspection. Shall be made after piers are set or trenches or basement areas are excavated and forms erected and required reinforcing steel is in place and prior to placing of concrete. The footing inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment, and for special requirements for pre-cast concrete or prefab wood foundation.

(2) Backfill Inspection. Shall be made after foundation walls are completed.

- (a) Poured concrete walls shall have forms stripped and concrete block walls shall have cement plastering completed.
- (b) Damp-proofing and/or waterproofing shall be completed to finish grade.
- (c) Perimeter drains to be installed (Drains to run to sump pump hole if applicable).
- (d) Foundation walls to have proper masonry lintels installed over openings on load bearing walls.
- (e) Anchor bolts or straps shall be installed.

(3) Concrete Floor Inspections. Shall be made prior to pouring the concrete floor.

- (a) Stone shall be in place and graded.
- (b) Polyethylene shall be in place, if required.
- (c) Wire mesh shall be in place. Fiber mesh may be used in lieu of wire mesh provided the concrete receipt is submitted to the Township verifying that fiber mesh was installed.

(4) Framing Inspection. Shall be made after the floor, walls and roof framing systems are completed with all fire-stopping, draft-stopping, headers, beams, sheathing, and bracing in place, and after the plumbing and electrical rough inspections are approved.

- (a) All lolly columns must be in place.
- (b) All roofing shall be installed.
- (c) Provisions for roof ventilation at ridge and/or gables to be in place.
- (d) Permanent or temporary stairs or ladders to be provided to access second floors and basements.

(5) Rough Plumbing Inspection. Shall be made when all water lines, waste lines, and vent lines are installed in all walls, floors and ceilings that will be concealed during completion of construction.

(6) Rough Electrical Inspection. Shall be performed prior to installation of the insulation and evidence of this inspection must be posted at the construction site.

(7) Insulation Inspection. Shall be performed after all walls, ceilings and floors that will be concealed during construction and which require insulation are completely insulated.

(a) All insulation inspections will be performed in accordance with State mandated Act 45. A copy of said Act is available at the Township Building upon request.

(8) Final Inspection for Certificate of Occupancy. Commonly made after building is completed and ready for occupancy and complies with all applicable sections of the Code Including but not limited to the following:

(a) Final Electrical Certificate to be posted on the construction site.

B. The Certificate of Occupancy inspection will be considered part of the total permit fee.

C. Reinspection Fees.

(1) There will be a fee charged for reinspection performed each time the Building Inspector revisits the job site for each and every required inspection. The amount of such fee shall be set from time to time by the Board of Supervisors.

(2) Reinspection will not be performed until all outstanding fees are paid.

D. Certificates of Occupancy will not be issued until all Township fees have been paid.

E. Model House Inspections. A temporary structure used as a model home associated with a lawful commercial use and not for permanent occupancy and used solely for demonstration purposes to inform purchasers of the types of homes available from the seller, including manufactured and stick-built homes.

(a) Model homes shall comply with the Chestnuthill Township Building regulations and current IRC Code as amended.

(b) Model homes may include all stick-built homes, and all manufactured houses which can meet these requirements.

(c) Model homes shall not be served by any water supply or sewage disposal facilities.

(d) Model homes may not be placed on permanent foundations.

(e) Prior to occupancy must comply with ordinance.

## **15. Prefabricated Construction**

### **A. General**

A certificate of approval by an approved agency shall be furnished with every prefabricated assembly, except where all elements of the assembly are readily accessible to inspection at the site. Placement of prefabricated assemblies at the building site shall be inspected by the building official to determine compliance with this code, and a final inspection shall be provided in accordance with § 14.

NOTE: Provisions for foundation systems and building service equipment connection necessary to provide for the installation of new manufactured homes on privately owned (non-rental) lots and existing manufactured homes to which additions, alterations or repairs are made are contained in Appendix E of the 2000 IRC and shall be enforced only when specifically adopted by the jurisdiction.

## **16. Swimming Pools, Spas and Hot Tubs**

### **A. General**

Provisions for swimming pools, spas and hot tubs are contained in Appendix G of the 2000 IRC and is specifically adopted by the jurisdiction.

## **17. Inspection Card**

### **A. Record required**

The permit holder or his/her agent shall post the inspection record on the jobsite in an accessible and conspicuous place to allow the building official to make the required entries. The record shall be maintained by the permit holder until the final inspection has been made and approved. The building official shall place the appropriate approval or disapproval sticker on the inspection card in the space marked for that inspection.

## **18. Existing Structures**

### **A. Continuations of existing use**

Buildings and structures in existence at the time of the adoption of this code may have their existing use continued if such use was legal at the time of adoption of this code, provided such continued use is not dangerous to life.

### **B. Additions, alterations or repairs**

Additions, alterations or repairs to any structure shall conform to that required of a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building. Any building, or structure plus new additions shall not exceed the height in stories specified for new buildings in the Township Zoning Ordinance.

- (1) Structural and fire-resistance-rated limits. Alterations or repairs to an existing structure which are structural or adversely affect any structural member or any part of the structure having a required fire-resistance rating shall be made with materials required for a new structure.

## **19. Stop Work Orders.**

### **A. General.**

Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provision of this code shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his/her agent, or to the person doing the work, and shall state the specific violations and the conditions under which work may be resumed. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

## **20. Energy Conservation.**

### **A. General.**

The Township elects to administer and enforce the Pennsylvania Energy Conservation Act, as defined in Act 45 and the Energy Conservation Code.

## **21. Transition Period**

- A. Transition Period. The requirements hereunder may be waived provided proof satisfactory to the Township is submitted that a binding contract for construction was entered into prior to the effective date hereunder.

## **22. Effective Date**

This Ordinance shall take effect on September 7, 2003.

CHESTNUTHILL TOWNSHIP  
BOARD OF SUPERVISORS

ATTEST:

/s/ Cathy A. Baker  
Cathy A. Baker, Secretary

(Seal)

/s/ Carl B. Gould, II  
Carl B. Gould, II, Chairman

/s/ Michael Possinger  
Michael Possinger

/s/ Maureen Tatu  
Maureen Tatu

Attested to this  
2<sup>nd</sup> day of September, 2003

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Joseph P. McDonald, Jr., Esq.  
Chestnuthill Township Solicitor